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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,791	11/17/1998	MOHAMED K. DIAB	MASIMO.7CP1C	4687

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EXAMINER

WINAKUR, ERIC FRANK

ART UNIT PAPER NUMBER

3736

DATE MAILED: 10/03/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner for Patents

All claims are allowable. The prior art teaches methods and apparatus for measuring saturation of a blood constituent in a patient including irradiating a patient with two wavelengths and detecting light that has passed through the patient, wherein the detected light includes a motion component. However, the prior art does not teach or suggest an apparatus or method for determining the saturation by generating a plurality of data packets from detected optical measurement signals at two wavelengths, and using a mathematical relationship relating first and second portions of the measured signals at both wavelengths and a ratio of the first portion of the signals at both wavelengths to generate at least first and second functions from the data packets, wherein the first and second functions have a final solution value indicative of the ratio.

However, due to a potential interference, ex parte prosecution is **SUSPENDED FOR A PERIOD OF 6 MONTHS** from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Attachments: Information Disclosure Statements (PTO-1449) -- Papers 2, 4

Eric F Winakur
Primary Examiner
Art Unit: 3736